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J. White
Judith A. White

Date 10/16/2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tyler E. PEASE

Serial No.: 09/649,692

Filing Date: 08/28/00

For: AN INSULATED PANEL FOR COMMERCIAL OR RESIDENTIAL CONSTRUCTION AND METHOD FOR ITS MANUFACTURE

Examiner: Y. Horton

Group Art Unit No.: 3635

Attorney Docket No.: 141.009

PTO Customer No.: 023907

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LETTER TO EXAMINER

Honorable Assistant Commissioner
of Patents and Trademarks
Washington, D. C. 20231

Dear Sir:

Applicant respectfully wishes to bring the following history to the Examiner's attention in connection with the above-identified application:

1. A first-filed application entitled "AN INSULATED PANEL FOR COMMERCIAL OR RESIDENTIAL CONSTRUCTION AND METHOD FOR ITS

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MANUFACTURE” was submitted to the United State Patent and Trademark Office for filing on August 28, 2000. This application was granted **Serial No. 09/649,692**.

2. On or about November 1, 2000, it was discovered that this application, **Serial No. 09/649,692**, had been filed with six (6) sheets of incorrect informal drawings, the error being that the drawings did not include any reference numbers on them.

3. Because of this error, the same application, “AN INSULATED PANEL FOR COMMERCIAL OR RESIDENTIAL CONSTRUCTION AND METHOD FOR ITS MANUFACTURE” was filed in the USPTO on November 1, 2000. However, this second filed application included drawings having reference numbers on them. This application was subsequently granted **Serial No. 09/704,137**.

4. This second-filed application was made to preserve the Applicant’s rights should the first application be denied due to the lack of reference numbers on the drawings. It was, and still is, the full intention of Applicant to abandon application **Serial No. 09/704,137** should application **Serial No. 09/649,692** be accepted by the Examiner, or to abandon application **Serial No. 09/649,692** should the Examiner reject application **Serial No. 09/649,692** due to the missing reference numbers on the drawings.

5. The current status of each application is as follows (*see* Table 1 below):

TABLE 1

Action/Response	U.S. Ser. No. 09/649,692	U.S. Serial No. 09/704,137
Application filed	08/28/2000	11/01/2000
Executed Small Entity Declaration submitted	10/06/2000; Rec’d by PTO 10/12/2000	(with appln)

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Action/Response	U.S. Ser. No. 09/649,692	U.S. Serial No. 09/704,137
Information Disclosure Statement, PTO-1449 and cited references submitted	10/27/2000; Rec'd by PTO 11/01/2000	01/10/2001; Rec'd by PTO 01/16/2001
Official Filing Receipt	PTO Date Mailed: 10/23/2000	PTO Date Mailed: 01/10/2001
PTO EXAMINERS	Y. HORTON	W. S. YIP
First Official Action	PTO Date Mailed: 08/30/2001	<i>Restriction/Election Requirement</i> PTO Date Mailed: 01/15/2002
Amendment and Response	Submitted: 01/25/2002, including 1 month extension of time request and redlined drawings; Rec'd by PTO 02/13/2002	Submitted: 05/14/2002 – Election plus 4 month extension of time request; Rec'd by PTO 05/14/2002
Action issued by Examiner	PTO Date Mailed: 05/06/2002	PTO Date Mailed: 08/05/2002
Reply to Action	Submitted 06/04/2002; Rec'd by PTO 06/10/2002	(Not yet submitted)
LETTER TO EXAMINER	Submitted: 10/16/2002	Submitted: 10/16/2002
Supplemental Information Disclosure Statement, PTO-1449 and references	Submitted: 10/16/2002	Submitted: 10/16/2002

6. As you can see, Applicant is still awaiting confirmation from the Examiner regarding acceptance or rejection of the drawings in U.S. **Serial No. 09/649,692**. Upon confirmation from the Examiner, Applicant will pursue or abandon

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U.S. **Serial No. 09/649,692** as appropriate, and/or pursue or abandon U.S. **Serial No. 09/704,137** as appropriate.

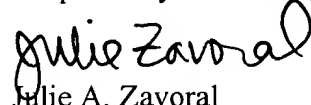
7. A similar copy of this Letter to Examiner is being submitted to Examiner W. S. Yip, who is prosecuting U.S. **Serial No. 09/704,137**. A copy of this other letter is being attached hereto.

8. A Supplemental Information Disclosure Statement (IDS), PTO-1449 and references cited are being submitted to each respective Examiner, each Supplemental IDS referencing prior art cited by the other Examiner and not previously cited in the present application.

If the Examiner would like to discuss any of the foregoing, he/she is respectfully requested to call the undersigned at (414) 276-0977.

The Commissioner is hereby authorized to charge any additional fees due arising as a result of this Letter or any other communication, or to credit any overpayments to Deposit Account No. 14-1080.

Respectfully submitted,



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Reg. No. 43,304

Dated: 10/15/02

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